

Attachment D
Proposed Restaurant Lease Agreement

Part 3 of 4

EXHIBIT A
DESCRIPTION AND PLAT OF THE PREMISES
[To be provided]

EXHIBIT B
FAA REQUIREMENTS

EXHIBIT B
FAA REQUIREMENTS

FEDERAL AVIATION ADMINISTRATION REQUIREMENTS. In the event there is any conflict between the provisions in this Clause and the other provisions in this Lease, the provisions in this Clause shall take precedence.

a. Lessee for itself, its heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this Lease for a purpose for which a DOT program or activity is extended or for another purpose involving the provision of similar services or benefits, Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

b. Lessee for itself, its personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree as a covenant running with the land that: (1) no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination, (3) that Lessee shall use the Premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

c. That in the event of breach of any of the above nondiscrimination covenants, County shall have the right to terminate this Lease and to reenter and repossess said land and the facilities thereon, and hold the same as if said Lease had never been made or issued. This provision does not become effective until the procedures of 49 CFR Part 21 are followed and completed including expiration of appeal rights.

d. Lessee shall furnish its accommodations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; PROVIDED,

THAT Lessee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar type of price reductions to volume purchasers.

e. Non-compliance with Provision d above shall constitute a material breach thereof and in the event of such noncompliance County shall have the right to terminate this Lease and the estate hereby created without liability therefore or at the election of County or the United States either or both said Governments shall have the right to judicially enforce said Provisions.

f. Lessee agrees that it shall insert the above five (5) Provisions in any sublease, contract or agreement by which said Lessee grants a right or privilege to any person, firm or corporation to render accommodations and/or services to the public on the Premises herein leased.

g. Lessee assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to insure that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. Lessee assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. Lessee assures that it will require that its covered sub-organizations provide assurances to Lessee that they similarly will undertake affirmative action programs and that they will require assurances from their sub-organizations, as required by 14 CFR Part 152, Subpart E, to the same effect.

h. County reserves the right to further develop or improve the landing area of the Airport as it sees fit, regardless of the desires or view of Lessee and without interference or hindrance.

i. County reserves the right, but shall not be obligated to Lessee, to maintain and keep in repair the landing area of the Airport and all publicly-owned facilities of the Airport, together with the right to direct and control all activities of Lessee in this regard.

j. This Lease shall be subordinate to the provisions and requirements of any existing or future agreement between County and the United States, relative to the development, operation or maintenance of the Airport.

k. There is hereby reserved to County, its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the Premises herein leased. This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from or operation on the Airport.

l. Lessee agrees to comply with the notification and review requirements covered in Part 77 of the Federal Aviation Regulations in the event future construction of

a building is planned for the leased Premises, or in the event of any planned modification or alteration of any present or future building or structure situated on the leased Premises.

m. Lessee, by accepting this, expressly agrees for itself, its successors and assigns that it will not erect nor permit the erection of any structure or object, nor permit the growth of any tree on the land leased hereunder, that conflicts with Part 77 of the Federal Aviation Regulations. In the event the aforesaid covenants are breached, County reserves the right to enter upon the land leased hereunder and to remove the offending structure or object and cut the offending tree, all of which shall be at the expense of Lessee.

n. Lessee, by accepting this Lease, agrees for itself, its successors and assigns that it will not make use of the leased Premises in any manner which might interfere with the landing and taking off of aircraft from said Airport or otherwise constitute a hazard. In the event the aforesaid covenant is breached, County reserves the right to enter upon the Premises hereby leased and cause the abatement of such interference at the expense of Lessee.

o. It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right within the meaning of Title 49 U.S.C. 40101 et seq.

p. This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of said Airport or the exclusive or non-exclusive use of the Airport by the United States during the time of war or national emergency.

EXHIBIT C
MCCLELLAN-PALOMAR AIRPORT AVIATION AREAS DEVELOPMENT STANDARDS

EXHIBIT 'C'

MCCLELLAN-PALOMAR AIRPORT

AVIATION AREAS

DEVELOPMENT STANDARDS

Revised:
April 20, 2004

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MCCLELLAN-PALOMAR AIRPORT AVIATION AREAS DEVELOPMENT STANDARDS

1. **APPLICABILITY.** The Development Standards contained herein shall apply to Aviation Areas designated by the McClellan-Palomar Airport Master Plan. Where used herein, the term "on-site" means within the lease boundary and "off-site" means outside of the lease boundary.

2. **LAND USES.** The following uses are permitted subject to compliance with these Development Standards and the Performance Standards specified for the McClellan-Palomar Airport Aviation Areas.

a. Structures and Facilities. Airport structures and facilities that are necessary to the operation of the airport and to the control of air traffic in relation thereto, include, but are not necessarily limited to, the following:

- (1) Runways, taxiways and aprons, including lighting
- (2) Aircraft hangars, tie-down areas and maintenance buildings
- (3) Air traffic control towers and facilities
- (4) Navigational aid equipment and structures
- (5) Airport administration buildings, which may also include airport passenger terminal facilities
- (6) Airport passenger terminal buildings and airtels, and facilities which may include as uses incidental thereto, eating and drinking establishments; consumer service establishments, including automobile rentals, retail shops normally operated for the convenience of the users of terminal facilities
- (7) Heliports
- (8) Aviation fuel farms
- (9) Automobile parking lots and structures
- (10) Buildings for housing operations and equipment necessary to the maintenance, security and safety of the airport.

b. Commercial Activities. Commercial Activities are limited to only those that the lessee/operator applies to perform and is qualified to perform by virtue of professional preparation, adequate leasehold facilities and financial capability. Commercial aviation activities include, but are not necessarily limited to, the following:

- (1) Aviation flight and ground schools, including pilot and student equipment sales
- (2) Aircraft sales, including radio and navigational equipment, parts, supplies and accessory equipment
- (3) Aircraft hangar and tie-down rentals
- (4) Aircraft leasing, rental and charter
- (5) Airframe, engine, radio, navigational and accessory equipment repair, maintenance and modification
- (6) Aircraft ground support equipment repair, maintenance and modification.

- (7) Aircraft cleaning services
- (8) Aircraft painting
- (9) Aviation fuel facilities
- (10) Aircraft and engine mechanic schools
- (11) Airlines, scheduled and non-scheduled
- (12) Air taxi and air ambulance services
- (13) Air freight terminals and transshipment facilities
- (14) Aerial crop dusting and spraying enterprises
- (15) Aerial fire fighting
- (16) Aerial photography and surveying
- (17) Parachute rigging sales and service.

c. Other Uses. Office, retail, and service uses related or ancillary to other uses permitted under sub-clauses a and b above; or which are normally operated for the convenience of the employees of such other uses.

d. Signs. Identification, directional and safety signs.

e. No Residential Use. There will be no residential use.

3. **LAYOUT OF AVIATION AREAS.** The overall layout of aviation areas will be designed so that utility extension, street, runway, taxiway, and other airport facility construction and commercial aviation site improvements can be accomplished in progressive stages consistent with the requirement for expansion of airport services.

4. **DESIGN CRITERIA AND DIMENSIONAL STANDARDS.**

a. Federal Aviation Administration Standards. The design criteria and dimensional standards to be applied to specific aviation area sites will be based upon the recommended FAA standards in accordance with the conditions and policies established by the FAA Advisory Circulars.

b. Critical Aircraft. A "critical aircraft", defined as the largest aircraft to be accommodated, will be designated for all fixed base operation lease sites. The critical aircraft size, weight and operating characteristics will be used to determine the applicable FAA design standards and dimensional requirements to be applied to these portions of the site where the critical aircraft will be accommodated.

5. **STREET SYSTEM.**

a. Curbs and Gutters. Portland cement concrete type "G" with 24" width and 6" curb face.

b. Sidewalks. Sidewalks will consist of Portland cement concrete, five feet wide, four inches thick located adjacent to the curb and will be installed unless waived by the Airports Director.

c. Driveway Aprons. All driveway aprons will be installed concurrently with individual site development and shall be commercial driveways of Portland cement concrete, six inches thick from curb to right-of-way line with a minimum width of 15 feet at the curb line for one-way traffic.

6. **UTILITIES.**

a. Undergrounding. All utility distribution and service lines including on-site extensions will be installed in underground locations.

b. Easements. Any necessary on-site easements shall remain free and clear of any obstacles that would interfere with necessary access and maintenance.

c. Fire Hydrants. Fire hydrants with steamer connections and mains will conform to the regulations of the applicable fire protection agency. Delivery from the system will be at least 4,000 gallons per minute for any one building site with 300-foot spacing between hydrants. Hydrants will be located behind the sidewalk in the street right-of-way, or as directed by the Fire Marshall.

7. **GRADING**. All grading shall comply with the County Grading Ordinance or the Carlsbad Grading Ordinance, whichever is more restrictive.

8. **BUILDING SETBACKS**. No building or structure or motor vehicle parking area shall at any time be erected or maintained on any site between the Building Restriction Line as established by the current McClellan-Palomar Airport Layout Plan and the centerline of the runway or within 20 feet from any site boundary abutting any street; however, a setback less than 20 feet may be allowed, subject to written approval by the Airports Director in accordance with FAA Policy and Directives. Interior side yard setback shall be zero feet or ten feet; provided, however, that a zero foot setback shall be subject to approval by the Airports Director. Setbacks may also be subject to the regulations of other governmental agencies. When governing bodies differ in setback requirements, the more restrictive requirements shall apply.

9. **HEIGHT LIMIT**. All construction must comply with Title 14 CFR Part 77, Objects Affecting Navigable Airspace and receive FAA approval before construction begins. No building or structure shall exceed two stories or 35 feet in height, whichever is lesser; provided, however, that buildings or structures not exceeding 50 feet in height, which do not violate Federal Aviation Administration height restrictions, may be permitted subject to the following:

a. Buildings or structures located 100 feet or more from any site boundary line and not exceeding 50 feet in height may be permitted upon approval of the Airports Director.

b. Buildings or structures located less than 100 feet from any site boundary line may be permitted upon approval of the Airports Director.

10. **MULTIPLE-OCCUPANCY BUILDING.** Multiple-occupancy of buildings is permitted for allowed aviation uses. In cases of multiple occupancy, off-street parking, off-street loading, outdoor trash facilities and on-site vehicular and pedestrian circulation systems must be shared in common; provided that separate such facilities and systems may be permitted by the Airports Director where justified and when such provision does not otherwise deviate from the specifics and intent of these development standards.

11. **HEIGHT OF FENCES, WALLS AND PLANT MATERIALS.**

a. Fences and Walls. No decorative or screening fences or walls, including arrangements of plant materials so as to form an opaque screen shall exceed the following height limits above ground elevation:

- (1) Within any area of site exclusive of required setbacks - 10 feet.
- (2) Within required setback abutting a street - 42 inches except within five feet of the intersection of a driveway and a street, a driveway and a walkway, or a driveway and driveway or parking area circulation aisle, in which cases the height limit shall be 30 inches.
- (3) Within required interior side yards and rear yards - six feet.

b. Plant Materials. Except where used as an opaque screen, plant materials may be permitted at any height not in violation of Federal Aviation Administration Regulations or constituting a hazard to operation of aircraft based on the judgment of the Airports Director.

12. **OFF-STREET PARKING.**

a. Minimum Required Off-Street Parking.

- (1) Hangar storage areas: One-half space for each 1,000 square feet of hangar building. One-quarter space for each T hangar.
- (2) Aircraft tie-down areas: One space for every 7,000 square feet of tie-down area.
- (3) For miscellaneous hangar activities directly related to aviation use, such as aircraft servicing and repair: Two spaces per 1,000 square feet of gross building area for the first 4,000 square feet and one space per 1,000 square feet thereafter.
- (4) For general commercial activities primarily relating to aviation but not classified as hangar storage, tie-down areas or service repair, such as public areas, offices, training rooms and sales areas: Three spaces per 1,000 square feet of building area.
- (5) For restaurants and other eating and drinking establishments: One parking space for each 60 square feet of floor area used for dining or serving of drinks.
- (6) For airtels: One parking space for each guest room and three for office and maintenance staff.

b. Dimensions.

- (1) Areas for parking shall be designed on the basis of 325 square feet per required parking space, but in no case shall there be less than the total number of spaces required.
- (2) Each parking area shall be designed according to the following table of minimum dimensions:

STANDARD CAR

Angle of Parking	Space Width	Curb Length Per Car	Space Depth	Aisle* Width
90°	9' 0"	9' 0"	20' 0"	24' 0"
60°	9' 0"	10' 5"	21' 0"	18' 0"
45°	9' 0"	12' 9"	21' 0"	13' 0"

SMALL CAR

(up to a maximum of 25 percent of total spaces, marked "small car")

Angle of Parking	Space Width	Curb Length Per Car	Space Depth	Aisle* Width
90°	7'6"	7' 6"	15'0"	24'0"
60°	7'6"	8'9"	17'0"	18'0"
45°	7'6"	10'8"	17'0"	13'0"

*Two-way aisles shall be not less than 24'0" in width.

c. Location. All parking and loading spaces shall be on the same lot or building site with the building or structures they are to serve. All parking spaces shall be a minimum of 10 feet from any lease boundary abutting any street. Parking for autos is allowed between the building restriction line and the lease boundary line subject to the Airports Director's prior written approval.

d. Improvement of Parking Spaces and Parking Areas.

- (1) All parking spaces or areas, loading berths, approaches, and driveways shall be adequate for anticipated wheel loads, but in no case shall be less than two inches of asphalt, concrete or equivalent surface over a base course of adequate stability.

- (2) All parking spaces abutting the perimeter of the property shall be provided with securely installed concrete wheel barriers or concrete curbs not less than six inches in height.

e. Marking of Parking Spaces. The location of each parking space shall be identified and maintained by permanent surface markings.

13. **ON-SITE CIRCULATION.**

a. Ingress and Egress.

- (1) On-site driveways and parking areas shall be designed to keep all vehicular traffic separate from aircraft maneuvering and parking areas.
- (2) Driveways greater than 50 feet in length shall have an unobstructed paved surface not less than 20 feet in width when used by two-way traffic. In lieu of a 20-foot driveway, two one-way driveways, each not less than 12 feet in width may be substituted.
- (3) Parking and loading areas and driveways shall be arranged to permit vehicular traffic to move into and out of parking and loading areas, driveways and ramps, without the backing of any vehicle onto a street.
- (4) Unobstructed and adequate maneuvering aisles or turn-around areas shall be provided as necessary to insure that all vehicles shall enter the street or highway in a forward manner.
- (5) Parking areas, driveways, maneuvering aisles, ramps and turnaround areas shall be kept free and clear of obstructions at all times.

b. Pedestrian Walkways. Easily accessible and adequate pedestrian walkways consisting of concrete, decorative gravel, paving blocks or other aesthetically pleasing materials shall be provided.

14. **AIRCRAFT TAXIWAYS, SERVICE AND TIE-DOWN AREAS.**

a. General. All areas utilized by aircraft as a taxiway and for parking, tie-down and storage of aircraft shall be paved, sloped for drainage and clearly defined and identified with standard striping and marking. FAA dimensional standards will apply unless otherwise approved by the Airports Director.

b. Taxiways. Taxiway locations, dimensions and paving shall be appropriate for and use thereof limited to the type of aircraft for which they are intended. The width of taxiways adjacent to or between hangar buildings or tie-down positions shall provide the taxiing aircraft with a minimum of ten feet of wing tip clearance at each wing tip with the aircraft's nose wheel on the center line stripe and with the outer wheel of the main gear no closer than five feet to the edge of pavement using the specified critical aircraft which could be housed in the adjacent hangar or would utilize the taxiway. All taxiways and other areas

where aircraft are confined to a particular path shall be provided with a four-inch wide continuous reflective strip of yellow traffic paint.

c. Parking and Service Aprons. Dimensions for these areas shall provide a minimum of ten feet wing tip clearance relative to buildings and other obstructions. Aircraft wash down and cleaning pads shall be paved with Portland cement concrete with a drain and trap to properly dispose of all water and caustic materials in accordance with all applicable ordinances, laws, regulations and standards.

d. Tie-Down Areas. Dimensions for tie-down areas shall be appropriate for and use thereof limited to the type of aircraft for which they are intended. Adequate tie-down anchorage will be required in accordance with Federal Aviation Administration standards. All tie-down areas shall be paved; each tie-down position shall be striped and numbered with permanent surface markings. No anchorage point shall be less than four feet from the edge of the pavement.

e. Off-Site Maneuver Areas. Off-site maneuver areas, where utilized, shall be limited to use for aircraft movement only. Paving for maneuver areas permitted under Lease provisions will be provided by the Lessee with design appropriate for and use thereof limited to the type of aircraft for which they are intended.

f. Materials. Pavement shall consist of either asphalt concrete or Portland cement concrete placed upon a prepared base course. Base course and surface course thickness shall be designed in accordance with Federal Aviation Administration standards reflecting a consideration of the distribution and physical properties of the soil, soil stabilization procedures and the gross weight capacity required.

g. Stage Construction. Stage construction for pavements may be utilized provided that proper grading is provided for the ultimate design thickness.

15. **SIGNS**

a. Identification Signs. Signs designating the name and address of the occupant and the products, activities or facilities located on the Premises are permitted as follows:

- 1) Two single-faced identification signs mounted on and parallel to a wall; provided that one such sign is located so as to be visible from the aviation activity area of the airport and the other located so as to be visible from the non-aviation areas. Aviation activity area signs shall not exceed an area of 120 square feet, nor cover more than 40 percent of the building face. Non-aviation area signs shall not exceed an area of 60 square feet, nor cover more than 40 percent of the building face; provided that signs in excess of these

areas may be permitted upon approval of the Airports Director. Such signs may not extend above the top of the parapet wall, the roof line at the wall, the eaves of the building, or portion of the building to which attached, whichever is applicable; nor shall the sign face protrude more than 16 inches from the face of the wall upon which it is mounted. In lieu of a wall-mounted sign, the sign directed to the non-aviation area may be a single- or double-faced monument or free-standing sign, integrated with a landscape arrangement, and located not closer than ten feet to the front property line. The size of such sign shall be proportional to the building site frontage, but not exceeding an area of 60 square feet per face nor an overall height of eight feet above the average ground elevation directly beneath the sign.

- (2) Sublessees on the Premises each may have one single-faced wall sign not exceeding an area of 32 square feet; provided that signs in excess of 32 square feet may be permitted upon approval of the Airports Director.
- (3) One pole-mounted sign is permitted for fuel facilities only.
- (4) Identification signs in addition to those in (1) and (2) above will be permitted only upon approval of the Airports Director.

b. Directional Signs. Directional signs may be single- or double-faced and are limited to informational signs identifying facilities by category and/or function only. They may not exceed eight square feet per face or overall height of eight feet above grade.

c. Safety Signs. Safety signs alert the passers-by on the site to potential dangers and include Stop, Slow, Curve, Danger, High Voltage, etc. The size, shape, and color of safety signs shall be of the same size, shape and color as contained in the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as printed by the Bureau of Public Roads, U.S. Department of Commerce.

d. Real Estate Signs. One single- or double-faced real estate sign not exceeding 12 square feet per face giving information on the construction, sale or lease of the building, property or premises upon which it is displayed shall be permitted.

e. Roof-Mounted Signs. Roof-mounted signs are not permitted, except that a sloping roof, the slope of which varies not more than 45 degrees from a vertical plane, may be considered wall space for the purpose of placement of wall signs.

f. Sign Design. Identification signs must be designed so as to provide uniformity of layout, lettering, graphics, size, shape, color, method of installation and construction. The location and design of all identification signs shall be

subject to the written approval of the Airports Director. No sign of any type shall be installed without the prior written approval of the Airports Director.

16. **TRASH COLLECTION AREAS.** All trash collection areas will be enclosed by a wall and heavy-duty solid gates not less than six feet in height. Portland cement concrete floors and aprons are required in trash collection areas. Trash collection areas will be so located on the site as to be restricted from public view and will be screened by appropriate landscaping features.

17. **LANDSCAPING.**

a. Required Landscaping Areas. On-site landscaping plans will be required. The following areas will be included within the minimum landscape requirements:

- (1) Landscaping within required 20-foot setback areas from abutting streets.
- (2) A minimum ten-foot wide strip of landscaping along airport boundaries.
- (3) The area between the site boundary and the sidewalk or curb shall be landscaped and maintained by the Lessee.
- (4) The following additional landscaping will be provided as necessary in accordance with harmonious design principles consistent with site layout plan:
 - (a) Landscape screening for automobile parking areas and trash collection areas.
- (5) Decorative planting adjacent to buildings, hangars or within parking areas.

b. Landscaping Design.

- (1) Coverage: At least 75 percent of the surface landscaped shall be planted with a compatible combination of trees, shrubs, vines, flowers or ornamental ground cover. The remainder may include features such as pedestrian walkways, rock groupings, sculptures, pools, fountains, outdoor seating areas, decorative paving and gravel areas, interspersed with planting areas.
- (2) Location: No tree or shrub four feet in height or more at maturity shall be placed within 30 feet of the edge of pavement at street intersections.

c. Irrigation. Prior to commencing any use of the Premises, required landscaped areas shall be planted and a permanent type sprinkler system or similar watering system or device, adequate to provide water necessary to properly maintain the particular plant materials used, shall be constructed and thereafter maintained in good working order by Lessee at Lessee's expense.

18. **MAINTENANCE.**

a. Lessee's Obligation. In the Aviation Areas, Lessee shall, to the reasonable satisfaction of the Airports Director, keep and maintain the aviation site and all improvements and landscaping of any kind or character which may be erected, constructed, installed or made thereon in good condition and repair and maintain the site in a safe, clean and sanitary condition to the complete satisfaction of the Airports Director and in compliance with all applicable rules, regulations, ordinances or laws. In this connection, Lessee shall provide proper containers for trash, garbage and liquid wastes of all kind and character and shall keep the site free and clear of rubbish and litter to the satisfaction of the Airports Director. County reserves the right for its agents or employees to enter upon and inspect the site at any and all reasonable times to ascertain that the above-described standards are maintained.

b. County's Right to Repair or Maintain. In the event Lessee fails to maintain or make repairs or replacements to any and all improvements as required by County, then County may notify Lessee in writing of said failure specifying in said notice the nature and extent of said failure. In the event Lessee fails to make said required maintenance, repairs or replacements within 30 days after such notice by County, County may accomplish maintenance or make such repair or replacement and the cost thereof including, but not limited to, the cost of labor, material and equipment shall be paid by Lessee to County within 10 days from receipt by Lessee of statement of costs from County.

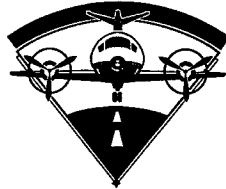
19. **OTHER REGULATIONS.** In addition to the provisions of these Development Standards, all development in aviation areas shall conform to the standards specified by the applicable Federal Aviation Administration Regulations, laws of the State of California and the applicable local ordinances, which regulate land use, construction and development. These shall include, but not be limited to the following:

- Runway Safety
- Pedestrian and vehicle deviation avoidance
- Driver rules for use on the airport operation areas
- Access restrictions in the airport's secured areas

In the event of a conflict between these Development Standards and various applicable laws, ordinances and regulations, the most restrictive shall apply.

EXHIBIT D
INDUSTRIAL AND AVIATION AREAS RESTAURANT PERFORMANCE STANDARDS

COUNTY OF SAN DIEGO, DPW AIRPORTS



INDUSTRIAL PARK AND/OR AVIATION AREAS
RESTAURANT PERFORMANCE STANDARDS

Revised: October 22, 2007

INDUSTRIAL PARK AND AVIATION AREAS
RESTAURANT PERFORMANCE STANDARDS

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INDUSTRIAL PARK AND AVIATION AREAS
RESTAURANT PERFORMANCE STANDARDS

1. NOISE.

a. Standards. At no point on or beyond the boundary of the leasehold Premises shall the maximum sound level resulting from any operation, activity or use exceed $Leq(h) = 70$ dB for continuous noise. If the measured ambient level exceeds the applicable limit noted above, the allowable one hour average sound level shall be the ambient noise level. The ambient noise level shall be measured when the alleged noise violation source is not operating.

b. Method of Measurement. Noise shall be measured with a sound level meter having an A-weighted filter constructed in accordance with specifications of the American National Standards Institute for type S-2A general purpose sound level meters.

(1) Impact noise shall be measured using the fast response of the sound level meter. Impact noises are intermittent sounds such as from a punch press or drop-forge hammer.

(2) Continuous noise shall be measured using the slow response of the sound level meter.

c. Sound Level (Noise Level). Sound level shall mean the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network as specified in American National Standards Institute specifications for sound level meters (ANSI.4-1971, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting is implied.

d. Exemptions. The following sources of noise are exempt from the specified

maximum sound level:

- (1) Transportation vehicles not under the control of Lessee;
- (2) Occasionally used safety signals, warning devices, and emergency pressure relief valves; and
- (3) Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. GLARE.

a. Standards. All light fixtures or light sources shall be installed or used so as to comply with the rules and regulations of the Federal Aviation Administration or any successor agencies and other governmental agencies governing height, type and placement of lights as they may affect the safety of aircraft operations into, from and around the Airport. In addition:

(1) All outdoor lighting installed shall utilize low pressure sodium lamps and be shielded from above in such a manner that the edge of the shield shall be level with or below the center of the light source.

(2) All light fixtures shall be designed and adjusted so as to reflect light downward, away from any other premises.

(3) Any operation, activity, or use producing intense glare shall be conducted within an enclosed or screened area in such a manner that the glare emitted will not be discernible at any point on or beyond the boundary of the leasehold Premises.

b. Prohibitions. The use of floodlights on vertical or horizontal surfaces, searchlights, and red, blue, or green lights shall be prohibited; provided, however, red, green and blue lights are permitted where required by FAA regulations as necessary for the safety of aircraft operations.

3. ELECTROMAGNETIC INTERFERENCE.

a. Standards. At no point on or beyond the boundary of the leasehold Premises shall the electromagnetic interference resulting from any operation, activity or use of equipment not licensed by the Federal Communications Commission for communications or navigational purposes exceed the maximum permitted values tabulated below:

Section of Electromagnetic Spectrum <u>from-to</u>	Maximum Field Strength at Edge of Premises <u>Containing Interference Source</u>
10 - 100 Kilocycles	500 Microvolt/Meter
100 - 535 Kilocycles	300 Microvolt/Meter
535 - 1605 Kilocycles	200 Microvolt/Meter
1605 Kc.- 44 Megacycles	200 Microvolt/Meter
44 - 88 Megacycles	150 Microvolt/Meter
88 - 174 Megacycles	200 Microvolt/Meter
174 - 216 Megacycles	150 Microvolt/Meter
216 - 580 Megacycles	250 Microvolt/Meter
580 - 920 Megacycles	300 Microvolt/Meter
920 - 30,000 Megacycles	2000 Microvolt/Meter

Irrespective of the above standards, any electromagnetic disturbance that causes interference with radio transmissions, aircraft instruments, navigational aids, or other electromagnetic receptors essential to aircraft operations shall be modified or abated upon request of the Airports Director.

b. Method of Measurement. The level of radiated electromagnetic interference shall be measured by using standard field strength measuring techniques. The maximum value of the tabulation shall be considered as having been exceeded if at any frequency in the section of the

spectrum being measured, the measured field strength exceeds the maximum value tabulated for this spectrum section.

4. VIBRATION.

a. Standards. At no point on or beyond the boundary of the leasehold Premises shall the maximum particle velocity resulting from any operation, or activity or use exceed 0.10 inches per second for steady-rate vibrations and 0.20 inches per second for impact vibrations.

b. Method of Measurement. Vibration shall be measured with a seismograph or complement of instruments capable of recording vibration displacement and frequency or particle velocity simultaneously in three mutually perpendicular directions. When particle velocity is computed on the basis of displacement and frequency, the following formula shall be used:

$$P.V. = 6.28 F \times D$$

P.V. = Particle velocity, inches per second

F = Vibration frequency, cycles per second

D = Single amplitude displacement of the vibration, inches

The maximum particle velocity shall be the maximum vector sum of the three mutually perpendicular components recorded simultaneously.

(1) Steady-rate vibrations are vibrations which are continuous or vibrations in discrete impulses occurring 100 or more times per minute.

(2) Impact vibrations are vibrations in discrete impulses occurring less than 100 times per minute.

5. TOXIC MATTER.

a. Standards. At no point on or beyond the boundary of the leasehold Premises shall

the release of any airborne toxic matter resulting from any operation, activity or use exceed 3.0 percent of the Threshold Limit Value; provided, however, if a toxic substance does not have an established Threshold Limit Value, Lessee shall satisfy the County Department of Public Health that the proposed levels will be safe to the general population.

b. Method of Measurement. The maximum concentration is given as a fractional amount of the ACGIH Threshold Limit Value which is the maximum concentration permitted an industrial worker for eight hours exposure per day, five days a week, as adopted by the American Conference of Governmental Industrial Hygienists (ACGIH). Toxic matter shall be measured at ground level or habitable elevation using ACGIH or ASTM methods and shall be the average of any 24-hour sampling period.

6. ODOR. At no point on or beyond the boundary of the leasehold Premises shall any odorous gases or other odorous matter resulting from any operation, activity or use be detectable.

7. SMOKE, PARTICULATE MATTER, AND OTHER AIR CONTAMINANTS. All operations, activities, and uses shall be conducted so as to comply with the rules and regulations of the San Diego County Air Pollution Control District governing smoke, particulate matter, and other air contaminants.

8. LIQUID WASTES.

a. Standards. All operations, activities, and uses shall be conducted so as to comply with the rules and regulations of the State of California Water Quality Control Board - San Diego Region and the County San Diego.

b. Prohibitions. The discharge of any toxic or waste material onto the ground, into any drainage channel, or the discharge of any toxic material into any on-site leaching system shall be

prohibited.

9. FIRE AND EXPLOSIVE HAZARDS. All operations, activities, and uses shall be conducted so as to comply with the rules and regulations of the applicable fire protection agency and the Uniform Fire Code governing fire and explosive hazards.

10. RESTAURANT STANDARDS.

- a. General. Lessee agrees to operate and manage restaurant services and facilities within the restaurant building, and outdoor courtyard if a portion of the Premises, in a competent and efficient manner comparable to other well-managed operations of similar type. Lessee agrees at all times to offer a variety of food and beverage choices and price options as is reasonably designed to produce the greatest return to Lessee and Percentage Rent to County of San Diego and to best serve the needs of Airport users and the public generally. The prices to be charged for restaurant services shall be comparable to prices charged by other food and beverage providers in the Carlsbad, CA area. Lessee agrees to maintain at all times a rating of "A" from the San Diego County Health Department. A reduction of this rating will be considered a default under the Lease.
- b. Hours of Operation. The restaurant must be opened a minimum of 360 days each year unless the Airports Director has provided prior written approval for the closure of the restaurant. The Airports Director, in light of changing conditions and demands shall have final approval of the hours of service. In establishing said hours, the Airports Director will set the hours to meet objectives of customer service, flight schedules, and profitability. The initial minimum hours of operation for the restaurant will be eight

(8) hours daily, serving breakfast and lunch. These hours may be changed by obtaining prior written permission from the Airports Director.

c. Personnel.

(1) Lessee agrees that its staff shall be of adequate number and competently trained so as to properly conduct the operation of the restaurant, bar if applicable, and any take-out concession and to meet all reasonable demands of the public.

(2) Lessee shall cause all of its employees to conduct themselves at all times in a courteous manner towards the public and in accordance with any rules, regulations, and policies that may be set forth by the County of San Diego from time to time.

d. Liquor License. Lessee is encouraged to obtain and maintain in force during the entire term of the lease, the appropriate liquor license from the Alcohol Beverage Control Board to provide beer and wine service for the customers of the leasehold. Lessee shall be permitted to obtain a liquor license to provide full liquor service to the customers of the leasehold at Lessee's discretion.

11. OTHER REGULATIONS. In addition to the provisions of these Performance Standards, all operations on the Premises shall conform to the standards specified by the applicable Federal Aviation Administration Regulations, laws of the State of California and the applicable local ordinances which regulate land use and operations. In the event of a conflict between these Performance Standards and various applicable laws, ordinances and regulations, the most restrictive shall apply.